

# Article

## Why Do People Fight First and Then Settle? A reaction

Reflective Practice: Another Way of Seeing Things

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The *Corporate Mediation Journal* (CMJ) offers a dynamic, professional platform for reflective practice and invites mediators to consider another way of seeing things, taking in a broader scope and perspective than our usual caseload might offer. The standing CMJ invitation is, not only to express our views in writing, but also to hold ourselves open to scrutiny from other members of our profession, thus challenging ourselves to remain open to positive influences and to advance mediation as a whole.

Martin Brink in this issue of CMJ shares an excellent example of reflective practice in his article *Why Do People Fight First and Then Settle?* In posing the question, 'Why do people fight and then settle?', not only does he publish his views, echoing his recent presentation to the World Forum of Mediators, but he also opens up his work to critique. I have had the pleasure of working with him for several years, and I hold him in the highest regard as a true professional and a learned scholar of mediation. Brink epitomises the diligent, reflective practitioner. He demonstrates, in a practical way, that he is open to hearing the views of others and is comfortable in the knowledge that he may trigger contrary views, which are welcomed.

Brink draws on his considerable experience as a corporate mediator. Although dealing in his mediation practice with conflicts on an entirely different scale compared with conflicts between warring nations, he illustrates how the dynamics of conflict generally show certain analogies and commonalities that are worth

exploring; he aptly demonstrates this with examples from his caseload. Each mediation is unique, and, while there may be commonalities of style and process, each individual mediator's approach is also unique. Brink's article offers an overarching treatise on how his clients became stuck in conflict and how he guided them safely to compromise, taking a closer look at the choices on offer and showing them how they might approach things differently in the future. His scope of review includes those who waged war, those who brokered peace and those embroiled in precarious business dealings. A common thread running through the examples is how people in conflict wield power. Brink observes, 'Power is inextricably connected with control. Control provides power, and power delivers control'.

I come from another perspective in my role as a workplace mediator. I agree that power and control are inextricably linked, but this binary loop can also be constructively altered when influence joins the dynamic. In my mediation practice, I encourage people to wield influence over each other rather than power. I take the lead and open myself fully to the influence of the parties in dispute. I become a receptacle for their thinking, a custodian of their hopes and a safe space to voice their fears. Dynamic influence then becomes inextricably connected with the exercise of power or control, and the energy of the conflict is changed for the better. By sensing, opening up and raising mutual awareness, people in conflict become empowered to resolve their differences on their own terms.

Brink also states that

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in many instances, a fight is what it takes first, before most attempts to force one's own views or position upon the other have been halted by the resistance of the other. Such is life. Only if the deployment of power or control fail to bring success, a deeper layer of reflection may open a gateway to negotiation and settlement'.

But we mediators can play a vital role in bringing the day closer to enable this deeper layer of reflection to open a gateway to future settlements. We already know the way. I firmly believe that this time has come and that there is now a deeper and a more powerful energy emerging to influence for the better how we settle our differences. It speaks softly, engages with a light touch and its influence cannot be easily resisted because it makes perfect sense. Mediators, united in their efforts and sharing their wisdom, have the potential to not just be optimists, as Brink suggests, but also enablers, peace brokers, pathfinders and bridgebuilders.

Brink adds,

We must hope that over time – when our species becomes more cooperative than competitive – the realisation will grow that a fight may not be needed before mutual respect and understanding can be found between conflicting parties. In that respect, mediation skills can render an important contribution. It is like democracy, it may not be ideal, but it is the best there is on offer. Preventing and solving conflicts may be served well by the deployment of mediation skills. The same conversation differently, may make all the difference.

As I have already stated, I believe that the time has already come. It is here and now. But it may not yet be visible or heard or understood or even welcomed in today's world, because it may not be viewed as profitable in the myopic eyes of powerful beholders who want to remain in control. Instead of fighting each other, people may be coming to the realisation that fighting *together* for what they believe in is a better option. Seeing conflict from a new, shared perspective, corporate mediation can potentially become midwife to an emerging future where people are valued and where business and its employees can thrive while adhering to strong ethical principles that enhance on a global scale.

Brink expresses the hope and belief that 'the number of what can be called "dispute-wise" people, will increase over time. One way to accelerate this will be to teach mediation skills already in kindergarten'. But when we look to the likes of Malala Yousafzai and Greta Thunberg, perhaps we may come to the realisation that some children of today are wiser than adults. It is we who have much to learn from them. There is a risk that we will teach them how to live up to only half of their potential if we do not share with them how we have failed, as well as how we have succeeded.

A last word from Brink reminds us that 'the unique state of affairs partly occurred because the equilibrium

was designed so well that it could only be overthrown by an effort of a magnitude too difficult to mount'. The capacity to mount a disturbance in equilibrium is no longer the preserve of the few; it has come within reach of the many and can be triggered in an instant. Never was there a time when there was a greater need for mediators, for peace brokers, for a middle voice to energise and orchestrate the global debate on so many fronts and to pool our collective skills, so that collectively we may scale the precipice of hope and unite our efforts for a better world.

## Martin Brink's reply

The answer to the simple question – why fight and not settle straight away – is as complicated as human nature itself. Anna Doyle adds another interesting angle to the elements for an answer to that question that I attempted to assemble in my contribution to this Journal about the psychology of conflict. While agreeing that power and control are inextricably linked, she refers to the role of *influence* in the dynamics of conflict. She mentions the admirable examples of Malala Yousafzai and Greta Thunberg, two important influencers of our times, who follow in the footsteps of other great influencers such as Mathama Ghandi and Nelson Mandela. Anna Doyle makes the point that the energy of a conflict may be changed when the factor influence is merged with the exercise of power or control. That certainly may be true, although not just for the better. Power will yield influence and make it possible to wield influence. Power and influence are interlinked. Influence need not to be interlinked to power, it can be abstracted from power and yet yield power. It reminds of the distinction between power and authority in the sense of attributed credibility. Investigating other ways of seeing things as Anna Doyle is recommending – seeking positive influences also to advance mediation as a whole – is something that motivates mediators to keep analysing the psychology of conflict, hoping to diminish the role of power and control and to enhance ways to leverage understanding and compassion. Today's world is in dire need of conciliation rather than the exercise of power and control. Mediators should not give up trying to add to new paradigms when it comes to dealing with conflict. The lessons of Fisher and Ury<sup>1</sup> to seek the optimal combination of the joint interests of parties involved in a dispute, threaten to become overwhelmed by the poor example set by some world leaders. It was Carrie Menkel-Meadow I believe, who said "that sets our work as mediators back twenty years" when George W. Bush announced after the assault on the World Trade Centre in September 2000 that "anyone who is not with us, is against us." Where it comes to the psychology of conflict, the present leader of the Western World – as the

1. Fisher, R. and Ury, W. (1981), *Getting to Yes, Negotiating Agreement Without Giving In*. Arrow Books Ltd. London. The basis of what has become known as the Harvard Negotiation Method.

New York Times mentioned on February 7, 2020 – has taken “the mantra of total and complete belligerence and aggression not just to the next level but several levels past that.” The relevant mantra reads: “Never say you’re wrong, always claim victory, get in people’s faces, repeat; if they accuse you of something, throw it back at them, double down, triple down.<sup>2</sup> It certainly is and will have to be the influence that mediators can wield rather than the power – or, the power of that influence if you will – that will have to be the guiding beacon to better ways of cooperating in both the world at large and in conflict between individuals.

2. The New York Times International Edition, Friday, February 7, 2020, p. 5.